

SUMMARY OF USAID/RWANDA CONFLICT VULNERABILITY ASSESSMENT

INTRODUCTION

During March and April, 2002, a team from Management Systems International under contract to the USAID Regional Economic Development Support Office for East and Southern Africa in Nairobi, conducted a Conflict Vulnerability Assessment (CVA) for USAID/Rwanda.¹ The following are the team's principal observations:

- Rwanda does not face an imminent prospect of internal violent conflict. The Rwandan Patriotic Front (RPF), which holds power, is too well organized and its military is too regimented for successful challenge to be organized in the short term. Rwanda is, however, entangled in violent conflicts in the subregion, particularly in the Democratic Republic of the Congo (DRC) and in Burundi.
- The etiology and aftermath of the 1994 genocide remain the central concern of Rwanda's political life, and the categorical imperative of "never again" is the national government's stated organizing principle. Consequently, Rwanda is undergoing a tightly managed transition to democracy. Rwanda should not be considered an ordinary country but must be seen as, in effect, a society in post-traumatic convalescence.
- The Government of National Unity (GNU) under the leadership of the RPF has made a strong commitment to national reconciliation, good governance and administrative reform, and it can claim a number of significant achievements. It has managed to develop and maintain generally constructive relations with the international donor community.
- Because of the history of genocide, great importance must be attached to the maintenance of peace and stability and the promotion of long-term national reconciliation.
- It appears the RPF leadership may be seeking to institutionalize the ways in which it has managed political life until now and to extend its exclusive control of the political system beyond the current transitional period. Although, district elections of 2001 were conducted impeccably in terms of there being high levels of participation and technical processing of the ballots, they were marred upstream by manipulation of the candidate selection process, allowing only persons of established reliability and loyalty to stand.
- Serious unresolved issues and potential triggers of violence remain. There is a danger that the GNU's emphasis on government by consensus building and through national mobilization may cause these tensions to fester. While the lack of effective structures for the expression of dissent or for seeking redress of grievances may mean that individuals or groups will ultimately have recourse to armed insurrection or look sympathetically on such an insurrection.

¹ The team consisted of Willet Weeks (Team Leader), Sara Rakita, Michael Brown, and Josephine Munyeli. The team held extensive interviews with government officials at all levels, members of civil society, international and local NGOs, donor-government representatives, and private citizens at all levels, both in Kigali and in the provinces. It should be noted that the views and analyses presented here are those of the team alone and do not necessarily reflect those of USAID or of the U.S. government.

- Because Rwanda is densely populated with high levels of poverty there is significant potential for conflict over land tenure and land use issues. The GNU is preparing a major overhaul of land policies and legislation and is currently encouraging increased commercialization and “professionalization” of agriculture with greater emphasis on cash crops and export markets. There may not be unanimity on how this will be achieved (i.e. whether through small-holder agriculture or through the promotion of larger scale-holdings). The Land Policy and Land Laws are both ambiguous on whether “consolidation” of all plots of less than one hectare will be mandatory and how this will be implemented. Although, there is considerable under or unemployment in rural areas although people are classified on the books as engaged in agriculture. The provision of rural off-farm employment opportunities is key to the success of the development agenda and will be even more essential if large numbers of people become landless as a result of the proposed land reforms. Should there be a great deal of land “consolidation”? Large numbers of individuals have been left poor and landless while a small minority prospers could have immeasurable implications in the post-genocidal context.
- Faced with an overload of 120,000 untried cases of persons accused of crimes connected to genocide, the GOR has begun steps to implement a bold, nationwide program, known as Gacaca, to bring justice, truth, and reconciliation to Rwandan society. Gacaca is a modified version of a traditional Rwandan dispute resolution system that will seek to provide closure in the aftermath of the violence. The first trials are likely to begin by the end of 2002; however, the process could take years to complete. The ambitions and magnitude of the Gacaca project are unprecedented. It faces daunting logistical, juridical and social challenges that, if unsuccessfully handled, could have destabilizing consequences, at least locally.
- The team was not able to gather enough reliable data on HIV/AIDS to draw specific inferences about its effects on potential conflict, but prevalence rates are known to be high and the numbers of woman- and child-headed households are known to be increasing. This could also exacerbate any underlying instability.

POLITICAL CONTEXT

The “Rwandan Exceptionalism”

Many interviews were held with political and social leaders and with key members of the donor community. The conclusion, drawn from subtle remarks from the interviews, of the nation’s future is that Rwanda should not be considered an ordinary country, that it must be considered as, in effect, a society in post-traumatic convalescence. All things considered, this gives rise to what is referred to as the “Rwandan exceptionalism” – an assumption that the ordinary rules of nation building and democracy cannot be applied, by the government or by the international community, in the ordinary ways. The etiology and aftermath of the 1994 genocide remain the central concern of Rwanda’s political life, and the categorical imperative of “never again” is the national government’s stated organizing principle. Consequently, Rwanda is undergoing a tightly managed transition to democracy. The underlying assumption is that Rwanda cannot be considered an ordinary country but must be seen as, in effect, a society in post-traumatic convalescence.

The underlying reality of political power in Rwanda today is that the RPF, the political movement associated with the Rwandan Patriotic Army (RPA), is in effective control of the organs of the state, and the RPA itself stands as the national army. Even though, its internal

command structure intact, and it operates opaquely, without accountability to the state which it controls.

Rebuilding in the wake of a trauma as profound and pervasive as the 1994 genocide would be a challenge to any society and government. Rwanda faces additional challenges: high population densities, high levels of HIV prevalence (though accurate figures are hard to come by), depleted soils, depressed international commodity prices, and levels of household poverty. Under these circumstances, the achievements of the RPF government since taking power are particularly remarkable. These include the following:

- An extended period of relative peace and stability within the country's borders.
- The maintenance of a highly competent, professionalized, and disciplined military which has avoided the kind of petty harassment of the civilian population that is so characteristic of other countries in the region.
- The promotion of high standards of competence and dedication within the civil service.
- A willingness to tackle core problems head-on—for example, the rapid decentralization of local government, or the establishment of a National Unity and Reconciliation Commission (NURC), an innovative state body specifically mandated to deal with issues relating to conflict within the society.
- Commitment to gender promotion and equality – there is an unusual emphasis on the promotion of women to positions of visibility and real responsibility at all levels of government.

Taken together, these accomplishments represent a profound restructuring of public life in Rwanda, extending well beyond mere good intentions to constitute, after eight years of power, a record of substantial accomplishment.

In discussions with individuals throughout the government and civil society, the importance attached to the achievement of consensus as a core principle of RPF governance in Rwanda was emphasized again and again, particularly with regard to issues of potential conflict (i.e., land allocation as between diaspora returnees and the local farmers who had occupied their former plots for decades). In an interview with team members, a highly placed official of the government was categorical about the dilemmas raised by normal democratic practice as applied to the Rwandan context: “just plain democracy is a trap for us: it would inevitably be based on ethnicity. Our system therefore favors dialogue and consensus building instead”.

It has become standard in cases where local conflicts threaten to come to a head for officials at all levels to initiate lengthy consultations with the groups concerned, seeking to find common ground and to bring about some kind of resolution. Heavy emphasis is placed on mass mobilization and on the use of grass-roots conscious-raising activities, known generically as “ingando”, to test new initiatives and to ensure support for them. Group dialogue and surface consensus are time-honored tools of conflict resolution throughout Africa and certainly in Rwanda, but these often lead to the imposition of the views of group leaders that silences those who disagree without necessarily defusing underlying tensions and resentments, which may surface at a later time. It is certainly the impression of informed interlocutors in Rwanda that there are cases in which the officially-imposed consensus “resolution” of contentious issues has been more a matter of surface acquiescence than of genuine agreement, with underlying, often very strongly-felt differences left unaddressed.

Such reliance on consensus building certainly raises some tough questions. To what extent does an emphasis on dialogue and consensus genuinely resolve the underlying issues in dispute? What are the mechanisms by which consensus is reached and who gets to take part? To what extent is consensus achieved under pressure from political authorities and agreed to with reluctance and perhaps strong reservations by the parties involved?

The managed transition in which Rwanda is currently will be brought to a formal conclusion by 2003. Officials interviewed by the team insisted that the GNU fully intends to respect this time frame and to have a revised constitution in place in time for a referendum that year, to be followed by the election of a president and then of a national assembly. The stakes during this period will be high: will RPF continue managing the political process in response, or will there be a progressive loosening of what is for the moment a tightly controlled political and social playing field?

During the team's visit, there were signs that these concerns were justified and that the RPF does seem to be attempting to co-opt the transitional process and remain in effective control beyond the transition's agreed, formal duration. One senior official, clearly uncomfortable with this state of affairs, said to the team that: "stability can only be achieved through good governance and true democracy. We must consolidate transparency, remove roadblocks to political activity, and allow for the possibility of peaceful change through the ballot box". This official was clearly concerned that, though achievements have been made on the good-governance front, events seemed to be moving, over the long term, in the wrong direction with respect to democratization.

Nationwide elections were held in March 2001 for district offices. In the formal sense, these were by all accounts conducted in near-exemplary fashion by the National Electoral Commission and by local officials: most polling places were well managed, participation was over 90%, and international observers came away deeply impressed. However, in an important report, the International Crisis Group (ICG)² was able to document how local RPF officials using procedures that were clearly orchestrated from the center tightly managed the process of candidate selection.

While the political parties that participated in the Arusha process (which were not seen as agents of the former government) continue to have a formal existence, they have little or no scope in which to function in opposition to the RPF. All parties are members of the Forum of Political Parties, an institution that is also constrained by a requirement for consensus. According to a decision that was imposed by the RPF, no new parties may be formed prior to the promulgation of the new constitution. While some of the established parties have been allowed to reorganize, a similar attempt by former President Pasteur Bizimungu to reorganize his party under the new denomination of *Parti Démocratique pour le Renouveau* (PDR, or Ubuyanja in Kinyarwanda) led to harassment, house arrest and, in May 2002 (also during the team's visit), imprisonment on corruption and incitement-to-hatred charges that many observers see as having been trumped up to remove an opponent from competition during the run-up to the 2003 elections.³

Little is known for the moment about the draft constitution being prepared by the Constitutional and Juridical Commission, but it is said that it will place significant limits on the scope within which partisan political activity will be allowed to evolve. If it turns out that the real objective is the institutionalization of the RPF's single-party status past the 2003 elections would discourage

² International Crisis Group, "Consensual Democracy" in *Post-Genocide Rwanda: Evaluating the March 2001 District Elections*, October 2001.

³ "L'ancien président rwandais Pasteur Bizimungu est en prison", *Le Monde*, May 20, 2002

the effective political aggregation of individual interests and the open debate of grievances. Preventing other groups (even groups operating within the general parameters that might otherwise be deemed appropriate to the present circumstances) from developing the experience of autonomous political action or from achieving access to political power could only heighten tensions within the society and convince those who feel marginalized that they have no alternative to violent conflict in the pursuit of their interests. The concept of a Rwandan exceptionalism and the need for a managed transition in a post-genocidal context remain valid and will doubtless continue to do so for some time. But there is a countervailing fear, which is this need may serve to mask an attempt to secure a long-term RPF stranglehold on political power.

Alternative Organizational Capacity: Civil Society

While it would seem that access to participation in political affairs is likely to remain tightly controlled for some time to come, participation in public life should be possible through other channels. Every district, for example, has a local community-development committee that should to analyze local needs and bottlenecks and make plans for dealing with them, using budget resources provided by the state. By many accounts, while levels of participation and enthusiasm inevitably vary from one community to the next, these committees are frequently dynamic forums within which issues of genuine concern are discussed and dealt with. This, says one senior government official, is where reconciliation and good local governance are being built and where, at least potentially, local tensions can be defused and disputes resolved.

The past history of civil society in Rwanda is decidedly mixed.⁴ Its strongest institutions are the churches, and, as numerous clergy were implicated in the genocide, these (particularly the Catholic), have generally retreated from involvement in public affairs, while continuing to provide an important range of social services.

There exists a substantial local NGO sector which benefits significantly from support from their international NGO counterparts and from the donor community. As in many African countries, this sector is closely watched by the authorities. A law “relating to non-profit making organizations” was promulgated in July 2000. It grants local authorities and the Minister of Justice substantial oversight of NGO activity and broad powers to suspend or (after seeking a court order) dissolve organizations on the grounds that “the organization’s actions are likely to be a threat to law, public order and good moral standards”⁵

In a somewhat separate category are the human rights organizations. There are several of these, all receiving the bulk of their resources from outside sources. The best known and most active is the *Ligue rwandaise pour la promotion et la défense des droits de l’homme* (LIPRODHOR) whose activities are closely scrutinized by the authorities.

Press criticism, whether in print or on the air, is essentially unheard of (save for limited campaigns against politically safe and relatively innocuous nuisance targets). Open and strenuous dissent from government policy and from approved consensus thus has no channel for internal expression and therefore tends only to be beamed back into the country from offshore sources. Individuals or groups with grievances thus have few channels through which to pursue these peacefully and constructively. While the RPF’s relentless pursuit of civic-education and

⁴ A useful and lucid overview is provided by a previous study for USAID/Rwanda: Associates in Rural Development, “Civil Society in Rwanda: Assessment and Options”, n.d.

⁵ Law 20/2000, in the *Official Gazette of the Republic of Rwanda*, Year 40, # 1, 1 April 2001.

consensus-building consultations does provide some scope for aggressive individuals to come forward and express their views, once a consensus has been promulgated it can be perilous to challenge it further. The result is that groups or individuals who do not wholeheartedly share in the announced consensus are most likely to retreat into silent resentment and to renounce, at least for the time being, the active pursuit of their aims. Such “consensus”, it must be emphasized, is generally achieved through fear that dissent will entail serious consequences – it does not require that much actual repressive action.

LAND, NATURAL RESOURCES, AND POVERTY

Land and human settlement issues are potential sources of violent conflict.⁶ About 52% of the country’s surface is arable land; approximately 81% of Rwanda’s land mass was under cultivation in 2000 (the figure goes as high as 91% in Cyangugu), with 11% of available land in pasturage or fallow;⁷ 91% of the population is classified as employed in the sector⁸, although there may be high rates of rural under and unemployment ; and 43.5% of GDP is derived from agriculture.

Population density is high at 329 people/sq. km and increasing, given the 2.8% population growth rate⁹. In 1999, 66% of Rwandan households lived below the poverty line as compared with 40% in 1985, showing a distinct negative trend. Stabilizing this decline represents a major challenge.

In 2000, the average size of a family agricultural parcel was 0.71 hectares, with the Kibungo area on the high end, averaging 1.1 ha/family, and Cyangugu on the low end, at 0.37 ha/family. Over three quarters of households hold one hectare or less of land. Only 5% of households own more than 2 hectares per family, while 16% hold between 1-2 ha.¹⁰

The state perceives agriculture to be the principal means for national economic development¹¹, but only if the country can develop a *modernized, professional* agricultural sector. According to draft policy documents and to discussions held with officials in the course of this study, the GOR has concluded that a minimum threshold of 1 ha. should be established for land holding. The new land bill (which is still under Cabinet review) calls for the creation of a tenure system that will promote rapid agricultural modernization. The GOR seeks to raise professional standards for land use; if the standards are not adhered to, the state would have legal grounds for expropriating land.

It is unclear whether lands under one hectare in size will be eligible to be secured through title or not. According to one reading of the Land Policy, “all land should be registered for security. The title will be tradable, but not in a way that fragments plots below 1 hectare”; and then “households will be encouraged to consolidate plots to ensure that each holding is not less than one hectare”. According to this analysis, the draft Land Law then specifies that “people with customary holdings less than two hectares, and those with customary holdings between two and thirty hectares where the owner has a project and a development plan, will be recognized as owners”. In neither the draft policy nor the draft law does it appear that plots less than 1 hectare will be securable through legal title. The analysis goes on to say that “it will be important to

⁶ Center for Udvikslingsforskning, 2001; Republic of Rwanda, 2001.

⁷ Ministère de l’Agriculture, 2000, p. 16

⁸ GOR, 2001, p. 4

⁹ CARE, 2002

¹⁰ Ministère de l’agriculture, 2000, p. 1721

¹¹ Poverty Reduction Programme, 2001.

devise cost-effective methods of resolving disputes at a community level, and to ensure that the 1 hectare minimum *is not misunderstood to imply the expropriation of any current occupants*¹². Even if the policy comes to be seen as legitimate by Rwandans, poor implementation could lead to very negative reactions.

It appears that the government seeks to follow a variant of the Asian “green revolution”, which did not automatically require a move from small scale to plantation agriculture. The GOR needs describe more clearly its path to agricultural modernization, since the range of documents consulted indicate that there is a tension between whether small-holder, albeit more intensive agriculture production, or plantation agriculture for export is being promoted. The former, if carefully managed and poorer farmers are not disenfranchised of their land can lead to more equitable and sustainable development. The latter easily could the national economic level performance indicators but lead to increased inequalities and potentially be explosive over the medium to long term.

An agrarian transformation approach that balances the needs for food and cash of small-holder farmers and enables rural agro-enterprises and other enterprises to flourish in rural areas is required. Donors should be encouraged to greatly expand assistance to the sector as a means of pulling larger numbers of Rwandans out of poverty. Certainly, substitution of cash for food crops and the gradual expansion of off-farm employment has significant potential to reduce poverty. USAID has been supporting crop substitution in some areas, apparently with considerable success. But the scope for such activities will remain limited for some time to come, and during that time millions of Rwandans will in all likely remain dependent on subsistence crops.

It is also not inconceivable that the push for a more “rational” or “scientific” approach to agriculture and land management could be used to justify (for lack of a better term) a professional/élite control over land and resources. This could lead to “crony capitalist” benefits for a narrow group of well-connected individuals. This could, in turn, work to the detriment of most Rwandans currently employed in the agricultural sector from both an employment and livelihood security standpoint. It could increase inequality and exacerbate class divisions, which if politicized, could lead to conflict. There is then an urgent need for genuine consultation (as opposed to the kind of directive “consensus”-building described above) to be expanded to obtain widespread input from local populations, NGOs, and others involved in work at the grassroots *before* basic policy decisions are reached.

A further issue requiring international-level concern and attention involves the re-allocation of lands that have changed hands over the past decades as a result of displacement. In areas of the east and of the southwest (i.e., in Cyangugu district), returnees were able to occupy or re-occupy lands that had been held for decades by families who fled in 1994 to Congo/Zaire and Tanzania. Both groups feel they have legitimate claims, and officials have attempted to convince communities that the solution can be found in ad-hoc arrangements for the sharing of parcels. Such sharing has been promoted in lengthy community-education sessions held by senior officials, and consensus has been claimed in support of this solution. Indications in the field, however, are that this consensus is seen as having been externally imposed, and resentments continue to fester. Active external support to communities in which such problems exist, especially to provide rapid productivity improvements where possible, might help to mitigate

¹² ACTS, 2001[?], p. 27)

this issue, which has grave potential to serve as a trigger to local (but potentially widespread) violence, much of it likely to take on strong ethnic overtones.

THE GACACA EXPERIMENT

An unprecedented crisis of the justice system is one of the many difficult legacies the new GOR inherited when it took power after defeating the genocidal regime in 1994. The system itself was in shambles: trained lawyers, prosecutors, and judges had been killed, fled the country, or were themselves accused of having participated in the genocide and much of the physical infrastructure had been destroyed. Yet it was faced with a task of monumental proportions: delivering justice for all those who had killed in a genocide that pitted neighbor against neighbor, involving large numbers of people all over the country. Indeed, assurances that there would be a process by which perpetrators can be judged and punished have been vital in preventing some survivors from taking justice into their own hands.

To date, some 120,000 people have been arrested on charges of genocide inside Rwanda proper, and most of these have been in prison awaiting trial for years. The population of detainees poses enormous costs to Rwandan society in financial and human terms. Inevitably, to the extent that cases go untried and that many of those held assert their innocence, resentment among these prisoners (many of whom will soon be released in the course of Gacaca procedures) and their families will contribute to anti-GOR feelings and intra-communal tensions.

Against this backdrop, one can understand why the GOR had to develop an alternative to trials in classic courts. If the process is left to the formal justice sector, it could take a hundred years to try all those remaining in prison. In the meantime, the prison problem continues to pose a heavy burden. Those who proclaim their innocence and their families are becoming increasingly angry and frustrated as they languish in prison, and may seek revenge against those who accused their loved ones. An international researcher has reported that prisoners who have made confessions and their families are being threatened and intimidated by prisoners whom they named as accomplices and their families respectively. At the same time, survivors complain of a climate of continued impunity as they say that many killers remain in liberty on the hills to terrorize them. In some regions including Kibuye, survivors have threatened to perpetrate acts of revenge against any prisoners who will be released. In Gitarama, they have staged threatening demonstrations when others have been acquitted.

Absent a credible alternative for dispensing justice, these kinds of incidents can be expected to increase, leading to widespread local violence, the settling of scores, and attacks on potential plaintiffs and witnesses, destabilizing the civic peace that has been such a significant achievement in the years since 1994.

In 2001, after years of discussion and debate, the GOR enacted a series of legislation, including a constitutional amendment, creating Gacaca jurisdictions. The main law (the “Gacaca Law”) establishes the structure and functioning of the Gacaca courts. As of this writing, most of the basic legal framework is in place and the process is moving forward, although the GOR has yet to complete a necessary but controversial law on indemnification of victims.

In October 2001, communities came together to select more than 250,000 people considered wise and of high moral character to serve as *inyangamugayo*, or judges for Gacaca courts at all four levels. Women were among those elected in most localities.

In April 2002, some 800 trainers were dispatched to Rwanda's 1,500 sectors to conduct six-day training seminars for all those elected judges. Within the six days, they presented a bare bones summary of the Gacaca law, procedures to follow, and group management skills. None of the *inyangamugayo* have a background as judges and nearly half are illiterate (the law only requires the five members of each jurisdiction's coordinating committee to be literate). Some observers have criticized that the level of training is inadequate, the trainers themselves having undergone only ten days of training, which was reportedly not sufficient or consistent.¹³ Juridical and procedural aspects of the Gacaca process such as definitions of crimes have not been explained in a consistent manner. Likewise, only cursory introduction was provided to important reconciliatory issues like group management and dealing with sensitive issues that will inevitably be raised as neighbors are asked to confront each other about the slaughter of their loved ones. Judges also received a booklet with some additional information.

That said, no one could have expected Gacaca to function perfectly. The hope is for Gacaca to help society achieve the sometimes conflicting objectives of truth, justice, and reconciliation to the greatest extent possible. The problems that Gacaca seeks to address – impunity, the prison problem, reconciliation – all have the potential to contribute to violent conflict. Gacaca represents a unique, ingenious compromise of the divergent interests of all the various stakeholders, in an attempt to resolve these issues and bring closure to the justice conundrum. Should Gacaca fail to achieve the delicate balance sought, the risks may be enormous.

Almost all of those interviewed for this assessment said that they are confident that Gacaca will succeed *if* it is well managed. Yet few had a common vision of what well-managed means in the context of Gacaca. Some were concerned that Gacaca courts will deviate from legal standards and prescribed procedures, for example by failing to apply the precise definitions of crimes. Others were concerned that too *much* attention had been paid to juridical aspects of Gacaca at the expense of the social and reconciliatory aspects of the process. Yet others pointed to the vast logistical challenges inherent in the process. All are valid concerns.

A few interlocutors discussed the possibility that Gacaca could directly spark violent conflict. For example, individual acts of revenge or intimidation could fuel existing distrust among groups and spiral into a larger-scale conflict. However, most thought this scenario unlikely. The non-violent conduct of other recent community procedures including local elections and so-called pre-Gacaca presentations over the past year and a half is also an indication that Gacaca trials in and of themselves are not likely to lead directly to violent conflict. A journalist postulated that people will participate peacefully in Gacaca because they are afraid of the consequences of violent conflict.

Some deficiencies could have drastic implications for both justice and reconciliation. For example, the lack of information about Gacaca remains a major problem despite large public-information efforts conducted by Johns Hopkins University (funded by USAID), the Ministry of Justice, and numerous civil society organizations. People cannot participate fully if they do not understand the process or are afraid of the consequences. Likewise, they will not feel confident in the process if they do not understand its objectives. For example, survivors who equate Gacaca with an amnesty for those who killed their loved ones may be less likely to participate in

¹³ Pierre St. Hilaire, "Critical Problems Emerging from the Gacaca Training of Trainers Seminar," Kigali: USAID, March 2002.

Gacaca and may feel even more resentful and vulnerable at the end of the process than at the outset.

Gacaca involves enormous compromise. Each group of stakeholders will get some but not all of what they seek. It remains to be seen whether the Gacaca process will be able to manage the competing interests of the process and all the stakeholders to further reconciliation rather than contribute to latent conflicts and tensions. Judges are receiving only minimal training in group management, consensus-building, trauma counseling, and reconciliation. Yet these skills will be desperately needed once the judges begin to preside over popular genocide trials.

There is a long way to go before true reconciliation can be achieved. A study conducted by Johns Hopkins University with funds from USAID found that many people still harbor deep resentment. A male opinion leader told the researchers, "... people are still afraid. They are prone to intense fear. You see it around especially during the reburial of genocide victims." A female opinion later described the atmosphere in her community as follows. "General mistrust: One says, 'this person caused my relations to be put in prison.' Another says: 'this person exterminated my family.'"

Once Gacaca begins, it will be necessary to pay attention to the situation of prisoners who will be released, to facilitate their reintegration into communities. Their situation will be similar in many ways to that of demobilized soldiers, whose reintegration has been problematic. They will lack skills and resources. They may encounter problems with their wives who have become more independent in their absence. They may contribute to the spread of HIV/AIDS, as homosexual activity was reportedly prevalent in prisons while there were few or no programs to educate prisoners about transmission of HIV/AIDS or to distribute condoms in prisons. Perhaps most importantly, those angry about having been imprisoned, if not properly reintegrated into society, might be prone to fighting those they see as having oppressed them, notably Tutsi.

Another important step to reconciliation is recognition by all that certain individuals committed the genocide, and that all Hutu need not bear collective guilt. Community involvement in Gacaca, debating the conduct of one individual at a time, should contribute to this. Efforts underway to recognize Hutu heroes will also be valuable in this regard.

The costs involved in Gacaca are enormous, but the stakes are even higher. Even with substantial donor support, there will not be enough money for everything, nor will logistics, oversight, or monitoring be perfect to ensure that the process serves to reconcile Rwandans rather than create tensions that could lead to renewed conflict. The training of judges was just one small piece, lasting six weeks with a budget of 5 million Rwandan Francs (approximately \$110,000) plus in-kind support (such as requisitioning of vehicles, not all of which were made available on time). Yet its budget was woefully insufficient for even basic logistics. The GOR was not able to address the expectations of the more than 250,000 judges to receive per diems, or even minimal refreshments, for each of the six days of training. One soft drink for each judge each day would have cost some \$400,000. Some judges around the country threatened to boycott the training and possibly the entire Gacaca process unless they receive compensation for their work, but the GOR has no budget for this.

In order to maximize resources, donor coordination and strategic targeting of financial assistance will be crucial. And financial support should be accompanied by technical assistance provided by experienced justice professionals to help the GOR keep the process on track.

Because Gacaca is virtually untested, it will be difficult to predict all the risks inherent in the Gacaca process. Thus, USAID should adopt a flexible approach to its support of Gacaca and must fully engage the GOR in the process. It is essential to keep abreast of developments and work with the government to improve the process as Gacaca unfolds. In the event that alarming trends become apparent (for example, government interference with Gacaca or large numbers of new arrests), USAID must be able to react quickly and to use its leverage with the government to minimize the risks for conflict vulnerability. Already, urgent needs have become apparent in terms of monitoring of the process, further training of judges, and further awareness raising among community members. Both the donors and the GOR must take action to address these needs and others that will emerge over the coming months and years.

POTENTIAL DYNAMICS OF VIOLENT CONFLICT

The following is an analysis of possible scenarios and should not be read as being predictive or as reflecting a feeling on the part of the team that such conflict is in any way imminent.

The RPA monopoly of force

The RPA is one of the most capable and seasoned fighting forces in Africa. Internally-generated violence is most likely to occur as a result of spontaneous outbreaks in response to strictly local tensions; even such outbreaks are probably unlikely and would in any case be quickly (and probably quite ruthlessly) contained.

External Threats—Congo Wars, Burundi Wars, Conflict with Uganda, and the Tanzanian Refugee Caseload

Rwanda was in military occupation of large parts of the eastern Congo, from Kisangani in the north to Katanga in the south, controlling all of North and South Kivu, Maniema and considerable portions of the Kasaï, until September-October 2002.¹⁴ What will happen in the eastern DRC following the recent RPF withdrawal, which leaves a huge vacuum, and how the RPF will interact with its allies in the region remains unclear. The ex-FAR/Interahamwe problem also remains unsolved, however, and, though these have ebbed and waned over the years, there continue to be cross-border incursions. There are signs that the Rwandan Hutu forces in Kivu have evolved and that a new generation has emerged. Rebaptized ALIR and now the FDLR, these forces now claim to have cast aside the genocidal agenda and to have become a newly-legitimized anti-RPF insurgency seeking to bring about a broader-based government for Rwanda as a whole. If the formation of such a front can be consolidated, it could represent a credible threat to internal stability, especially if key figures from the genocide can be effectively excluded.

Despite the efforts of international mediators (including the GOR), the multi-faceted conflict in Burundi continues to fester, with periodic flare-ups evidently being engineered with the intention of disrupting any settlement. It appears that the RPA has been intervening directly in Burundi with increasing frequency since 2001.¹⁵

¹⁴ Perspective on the Rwandan occupation of the eastern DRC was given on March 1, 2002, in testimony to the Belgian Senate by Deus Kagiraneza, a former RPF official who had been Prefect of Ruhengeri District, among other posts. This is available at <http://www.senat.be/crv/GR/gr-14.html>.

¹⁵ See International Crisis Group: *Après six mois de transition au Burundi: Poursuivre la guerre ou gagner la paix?*, May 2002.

In 1998, a falling-out between RPF and NRA forces in Kisangani led to a series of armed confrontations between these former close allies, and since then there has been considerable tension between the two states and their respective leaders, Presidents Kagame and Museveni. For some time there were rumors of build-ups along the two countries' common border and some talk of impending war; this tension appears for now to have subsided. However, rivalries over influence and control of resources in the DRC remain a potential flash-point, and the two nation's respective Congolese "rebel" clients continue to be rivals, greatly complicating the search for peace in the DRC. Uganda has welcomed Rwandan dissidents (and vice-versa) and, in the event of a further deterioration in relations, it is clear that Ugandan support for an anti-RPF insurrection cannot be ruled out.

There remains a significant caseload of Rwandan Hutu refugees in Tanzania. These groups are said to remain in the kind of subordination to former government leaders that had characterized the situation in the DRC prior to 1996. These groups for now remain quiescent, but in the event of the onset of a significant challenge to the RPF, they would probably count among its supporters.

The Potential/Prospects for a Cross-Border Insurrection

The prospects for an internal insurrection or a significant internal violent conflict within Rwanda are felt by the team to be slim. This assessment would change radically, however, were a sustained, credible cross-border challenge to be mounted from the DRC by the forces mentioned above. Under current circumstances, such a challenge would most likely be assembled in the DRC, but this could over time be extended to the territory of one or more of Rwanda's other neighbors.

In the recent past, incursions into the Northwest were resisted by the local population, which preferred peace and accommodation with the RPF to a resumption of warfare in which they would likely become the victims of both sides. The insurgents were denounced and the incursions rapidly brought under control. This situation can probably be counted upon to obtain for the present: there appears to be little incentive for Hutu within Rwanda proper to risk their lives and livelihoods in such an adventure.

This could change significantly, however, were the insurgency to appear to be broad-based and were the political climate within the country to degenerate significantly. The proximate causes of such a degeneration would likely be multiple and would include, more or less simultaneously, some combination of the following:

- Further economic deterioration and (yet further) increases in poverty levels.
- A perception that the RPF was deliberately attempting to control the 2003 electoral process to ensure its continued control, especially if such an effort were accompanied by the kind of brutal repression that the RPF has largely been successful in avoiding (except in the DRC) since 1996.
- A poorly conceived or executed effort at land reform. One potential scenario that is of particular concern to the team would involve, more or less simultaneously, a generous cash compensation package for genocide survivors and official pressure for the holders of small plots (< 1 ha.) to sell their land. Such a process would lead to the perception of an officially sanctioned strategy for transferring land from Hutu to Tutsi and could be very explosive.

- A perceived failure of the Gacaca experiment, probably involving a sense that the system had been corrupted, or that innocent individuals were being railroaded. This would need to be a widespread perception (not a local, anecdotal, phenomenon) and, like the other proximate causes listed here, be fanned by efficient propaganda.
- A continued failure by the RPF to provide at least exemplary (and transparent) judgment against RPF elements accused of committing war crimes in 1994-96. There remains a deep resentment among many that these alleged crimes were not included in the Gacaca process. The RPF has responded that these matters would be more properly handled through the regular military justice system, but to date, as far as the public is aware, few if any prosecutions have been initiated. Failure to address this grievance is creating an appearance that Gacaca is mere victor's justice and is thus very dangerous.
- Any massive and brutal reaction to insurgency (similar to that of the Habyarimana regime in 1992) could intensify the threat of widespread conflict.

Potential Foci of Mobilization for Internal Violent Conflict

As mentioned above, the RPF monopoly of lethal force is so overwhelming that it is hard to conceive how internal violent conflict could be ignited on any scale except, as also mentioned, in conjunction with a sustained, credible cross-border attack. There are, however, groups that, under those circumstances, might be mobilized in connection with an external armed insurgency:

- Demobilized Soldiers, both former FAR and RPF
It is likely that there may be as many as 30,000 or 40,000 individuals around the country with some kind of previous military experience, and, presumably, in the event of an outbreak of violence on any scale, many could be tempted to take up arms once again.
- Local Defense Forces
Military observers in Kigali state that there are perhaps 20,000 such militia members, in every region.
- Students and other former attendees at "solidarity camps" (ingando).
- Released prisoners
They are emerging from the Gacaca process, many feeling aggrieved by the length and conditions of their imprisonment.
- Landless paupers
They are a threat, especially if there is a dramatic increase in their numbers (see the section on land issues).

Potential Conflict Causes, Triggers and Warning Signs

Cause 1: Competition over access to political power

Triggers (multiple elements would likely be required to raise conflict to levels of generalized violence):

- Further repression of political expression and organization leads to a perception that the narrow group presently in power within the RPF is seeking to retain a monopoly on political power past the 1993 transition.
- Conspiracies and purges among those in power.
- The present regime fails to expand its political base and continues to rely on coercion to retain control over affairs in the hands of a narrow-based political movement

- representing a small segment of the population (i.e., former refugees in Rwanda and their children).
- Sustained cross-border attacks from the DRC, perhaps with tacit Ugandan support; sudden increase in perceived political and military effectiveness of the DRC-based opposition.
 - Economic benefits and opportunity for political insiders continue to increase while access for others narrows.

Warning Signs:

- Those with close family or personal ties to the RPF inner circle come to be seen as enjoying favorable economic treatment, either as domestic entrepreneurs or as beneficiaries of spoils from military involvement in the Congo.
- Conflict in the DRC continues to fester with no solution in sight.
- Cross-border incursions become more frequent and effective.
- Insurgents again begin to receive civilian support in rural areas.
- DRC-based insurgents broaden their political agenda and abandon neo-genocidal propaganda.
- Increasing resort to arrests of civil society members and others for political activity.
- Further arrests, allegations of political murders and other violence, and further defections of former RPF insiders.
- Opposition political movements led by former RPF figures such as Bizimungu, Kajiguhakwa and Sebaranzi continue and expand, additional defectors join these, and effective (even if opportunistic) alliances are forged with elements of the former Rwandan government.
- The emergence of an effective, charismatic opposition leader linked to the existing armed and unarmed groups.
- Better organization and effectiveness of the Congolese resistance.

Appropriate donor responses:

- Intense diplomatic activity to strengthen the peace process in the DRC following the RPF withdrawal and to help resolve the ex-FAR/Interahamwe issue.
- Rapid and forceful diplomatic response to abuses by all parties within the DRC .
- Continue to support positive political change and to push for openness; provide support or Rwanda to explore appropriate constitutional and political system design engineering appropriate for divided societies.
- Expand existing USAID and other donor support to civil society organizations. Even where these latter are broadly (and usually quite appropriately) supportive of GOR initiatives, such ongoing support provides vital encouragement to the concept that interests can be aggregated and pursued peacefully.
- Active donor involvement in helping to ensure that the 1993 end-of-transition benchmarks lead to genuine increased political openness. There should be close monitoring of the entire process by NGOs and international organizations, not just of the electoral events themselves.

Cause 2: Competition over Land Resources

Triggers:

- A perception that the new land use/land policy issues will lead to widespread, more or less coercive land alienation.

- Economic growth and increased prosperity that is limited to a small minority, with large numbers of landless families ending up pauperized in towns.
- Tough repression of protests of the above.
- Large increases in social suffering as a result of a deterioration of social services, increased spread of HIV/AIDS, drought-related or other sudden-onset food shortages.

Warning Signs:

- Promulgation of a new land policy/law that aggressively seeks to reduce the number of landholders in the relatively short term.
- Sudden increases in the numbers of persons moving into urban areas/towns; sudden-onset, large-scale displacement as a result of food shortages, etc.
- Urban or rural protests that start turning violent.
- New land policy is followed quickly by a perceived sudden, widespread land purchases (i.e., with funds provided as genocide victims compensation).

Appropriate donor responses:

- Lobby for greater clarity and less ambiguity in both the land policy and land law.
- Propose, and be willing to support financially, the implementation of the land policy on a pilot basis that would be monitored for 2-3 years before passing the land bill and implementing it nation-wide.
- Encouragement of genuine citizen engagement in the policy process. Support to effective, gradual land tenure/use reform and concentrated settlement (imidugudu), backed by systematic, high-quality, independent feedback from the field (i.e., through NGOs). Constructive dialogue with the authorities on the basis of this feedback. Ongoing substantial support to small-holder agriculture (i.e., avoidance of use of donor resources solely to back the cash-crop sector).
- Ongoing FEWS monitoring and rapid, market-based mobilization of food resources in the event of potential shortages. Continue and strengthen ongoing efforts to combat AIDS.
- Continue support to ongoing family planning efforts.
- Swift diplomatic response in the event of brutal repression of urban or rural protests.

Cause 3: Perceived failure of justice for the events of 1994

Would not be likely in itself to become a cause of widespread violent conflict, but could become a focus of such conflict in a context of increased tension and instability and if one or more of the triggers below were activated.

Triggers:

- Discontent over perceived partiality or ineffectiveness of Gacaca.
- Lack of consistency in judging and sentencing suspects, instrumentalization of the process for personal score-settling or for asset-grabbing.
- Lack of diligence in prosecutions, leading survivors to feel that the process is a sham.
- Widespread vendetta-style violence between victims and persons released after acquittal, confession, etc.
- Discontent over failure of the GOR to prosecute alleged instances of war crimes perpetrated by the RPF in 1994.

- Compensation paid or granted in some form to genocide survivors but not to victims of alleged RPF war crimes.
- Failure to grant any compensation to survivors.

Warning Signs:

- Widespread reports of local protest against Gacaca, especially if violent or if significant violence is used to put it down.
- Serious, recurring patterns, widely reported or disseminated by rumor, of procedural bungling or misconduct by the tribunals.
- Dissemination of underground propaganda (i.e., calling, for justice for war crimes).
- A pattern of individual revenge attacks or killings.

Appropriate donor responses:

- The donors need to be closely engaged with Gacaca. Monitoring will be a Herculean task, but there cannot be enough of it. The donors need to remain constantly engaged throughout the process and to become aware of generalized problems as they emerge.
- The most effective resource-based response would be to have a flexible, rapid-response funding instrument in place (perhaps as an NGO umbrella grant) to be able to make key needed inputs available on short notice, in response to unforeseen circumstances. There are many factors that could cause Gacaca to fail. It would be tragic if the process failed for want of resources and thereby set off a violent spiral.

RECOMMENDATIONS FOR DONOR STRATEGIC PLANNING

The period 2002-2004 will be one of maximum danger for the consolidation and successful. The following are broad principles that USAID is urged to integrate into its strategic planning:

The overall thrust of USAID's programming, with emphasis on health, agriculture and issues of governance, is sound and should be retained in its broad lines. However, only health is currently well funded. Both agriculture and, especially, democracy and governance are underfunded. The programs have had impact in the past but look unlikely to do so in any significant fashion in the future unless they are given substantial new resources.

The idea of conflict as a cross-cutting theme to USAID programming is absolutely crucial, but in its implementation it needs to be better focused. The present Democracy Strategic Objective (SO) could usefully be reformulated in line with USAID's global changes so that, for example, Food for Peace resources and others link closely to conflict issues. Given local sensitivities this SO could perhaps usefully be rechristened as a "Peace and Reconciliation" SO, organized in ways suggested by the outline of causes, triggers and responses outlined above.

Ongoing support to civil-society development as posited in current USAID programming is essential so that vital that alternative channels of social organization be encouraged to emerge alongside those being developed under the RPF's direct control and auspices.

Agriculture programming should refine its conflict lens. Resources should be devoted on a priority basis to working with the GOR to find ways of avoiding the dangers, outlined in Section II, of a precipitous and coercive imposition of hastily-conceived land use/tenure reform. There have been excellent USAID-funded research activities in the past that have made substantial contributions to realistic policy formulation. Support to public participation in policy reform

processes is also vital. The SO team should ensure that the USAID-supported programs ensure *both* economic growth opportunities and provide a safety net for poorer families. It would be advisable to track the land reform process whether or not actual resources are devoted to it because poor implementation could severely impair the SO team's ability to achieve desired results.

Recommendations to USAID and other Donor Organizations (bi- and multilateral):

Donor inputs into matters such as those enumerated above have the potential to serve as conflict triggers and so need close donor monitoring and coordination. By and large, long-term funding commitments and program frameworks may not work as effectively in dealing with these issues as more ad-hoc and flexible arrangements that can be readjusted quickly and sensitively as circumstances warrant. Use of umbrella grant-making mechanisms (with requirements that recipients also retain high levels of flexibility to deal with unexpected developments or unintended consequences) is preferable to funding mechanisms that lock in programs over long periods.

Gacaca requires particular attention in this regard. It is potentially a powerful tool for achieving the purposes for which it was conceived (i.e., justice and reconciliation for the crimes of the genocide. But things could go horribly wrong, and do so unexpectedly and in unanticipated ways, both at the local level and in the aggregate. *There cannot be enough monitoring.* Such monitoring should of course be done in the first instance by civil society organizations and NURC, but donors should be directly involved as well, and be seen to be involved. Joint donor monitoring missions, frequent Kigali- and provincial-level consultations, and the resource suppleness to allow response to unforeseen developments could be very important in helping to ensure the process's ultimate success and to head off potential violence.

Recommendations to the U.S. Country Team and to the International Community

The conflicts in the region, and particularly in the DRC, are felt by the team to be the main vector along which violent conflict could eventually be unleashed in Rwanda proper. The RPF apparently has completely withdrawn its forces from the eastern DRC under a South African-brokered agreement under which the DRC military is to neutralize the "negative forces" in Kivu that are Rwanda's principal (and legitimate) security concern. Consideration must be given to a more robust UN operation in the DRC or to other mechanisms that can bring to bear the right mix of political and military ingredients to ensure the removal, once and for all, of the ongoing threat to Rwanda posed by the presence of these elements within the DRC.

The brutalization and the humanitarian cost of the Rwandan occupation of the eastern DRC, now apparently ended, have added considerably to the long-term threat to Rwanda's own security, as the resentments and hatreds it engendered had become deeply entrenched among the Congolese (including many Congolese of Rwandan origin) and as brutality and expediency come to be accepted as normal within the RFA itself. In particular, the corruption, the brutality and the political incompetence of Rwanda's principal Congolese ally, the RCD/Goma, has become increasingly clear over time. Events in May in Kisangani¹⁶ highlighted why it is important for the international community, and the U.S. in particular, to encourage Rwanda to rethink its support to this group, which is badly discredited.

¹⁶ See, for example, Human Rights Watch, "War Crimes in Kisangani: The Response of the Rwandan-backed Rebels to the May 2002 Mutiny", New York, August 2002.

Following the RPF withdrawal, the RCD is left in sole control of a huge area, a task for which it lacks the political competence and possibly the military skills. It will come under challenge from the local resistance (which includes a Rwandophone Munyamulenge militia that had until recently been under brutal attack by the RCD), and there will be a strong temptation for Rwanda to intervene, covertly or overtly, should things come unstuck in the resulting vacuum. Again, Rwanda has a legitimate interest in preventing incursions by ex-FAR/Interahamwe elements, and these may very well increase given the limitations on the GDRC's or the RCD's ability to control these. Rwanda's international partners need to impress on the GOR how vital it will be for them to show restraint in the event of such provocations.

Rwandan withdrawal was a necessary condition to the reconstruction of a stable and prosperous eastern DRC, but it is far from sufficient, and in the short term it is likely to raise as many problems as it solves. It will be up to the international community to help cope with these, through the provision of resources for economic and political reconstruction and, possibly, a rethinking of the mission of MONUC.

While all sides benefit greatly from the excellent relations between Rwanda and its principal donor partners, particularly the United States, and all sides have considerable incentive to continue to maintain these relations at their present levels of warmth and responsiveness, maintaining these qualities over the long term will require that there be frank discussions of those issues that could serve as proximate causes for future internal conflict. The issues, in particular, relating to inclusiveness and to the progressive opening up of channels for public expressions of dissent, will require that the U.S. and other donors be increasingly frank in formulating their concerns. To the extent that dissenters can sense that public and private pressures in support of key political rights are being exerted by the donors, they more likely to channel their demands peacefully. A sense on their part, on the other hand, that donors place value exclusively on smooth relations, avoiding frank discussion of such concerns, could serve to help make violent conflict a more likely outcome. It should be possible to continue to support the many positive actions of the GOR while increasing the levels of public concern about aspects of the country's political development that may be moving less positively.